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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/291,147	04/15/1999	ADRIAN STORISTEANU	CA9-98-011	1732

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EXAMINER

YUAN, ALMARI ROMERO

ART UNIT PAPER NUMBER

2176

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/291,147

Applicant(s)

STORISTEANU ET AL.

Examiner

Almari Yuan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 21-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 21-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: RCE filed 4/29/04, Amendment filed on 03/29/04, and Statement of Substance of Interview filed on 5/11/04.
2. The rejection of claims 1-16, 21-24, 28, and 32-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Wodarz and Agranat has been withdrawn in light of newly found art.
3. The rejection of claims 25-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Wodarz, Agranat, and Anderson has been withdrawn in light of newly found art.
4. The rejection of claims 29-31 and 34-35 rejected under 35 U.S.C. 103(a) as being unpatentable over Wodarz, Agranat, and Nakao has been withdrawn in light of newly found art.
5. Claims 1-16 and 21-35 are pending. Claims 1, 8, and 13 are independent claims.

Continued Examination Under 37 CFR 1.114

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/29/04 has been entered.

Drawings

7. The drawings filed on 4/15/99 are objected to as indicated in the PTO-948 form attached to the Office Action mailed on 8/01/02. Formal corrected drawings can be filed at allowance.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 27-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant submitted proof for support in the specification on page 9 of the response filed on 03/29/04, however, the Examiner as carefully reviewed the cited pages and still believes the subject matter contained the claims are not the same as described in the specification.

Regarding dependent claim 27, the added claim limitation “wherein the marks inserted into said document are present only during a document processing” is not disclosed in the specification. Applicant’s cited pages discloses setting marks into the document and not inserting marks into the document as claimed. Therefore, Applicant is advised against the addition of new matter.

Regarding dependent claim 28, the added claim limitation “wherein said mark control module sets said plurality of marks solely as defined by said parsing editor” is not disclosed in the specification. Applicant’s cited pages does not disclose a “mark control module” and the marks are solely as defined by a parsing editor. A “live parsing” is mentioned, however, a

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“parsing editor” is not mentioned. Therefore, Applicant is advised against the addition of new matter.

Regarding dependent claim 29, the added claim limitation “wherein said document is parsed by a plurality of parsing editors, each of said plurality of parsing editors providing a unique functionality” is not disclosed in the specification. Applicant’s cited pages mentions one or more “live parsers”, however, does not mention “a plurality of parsing editors” providing a “unique functionality”. Therefore, Applicant is advised against the addition of new matter.

Regarding dependent claim 30, the added claim limitation “wherein each of said plurality of parsing editors binds different actions to the same activemark set in the document” is not disclosed in the specification. Applicant’s cited pages does not mention “a plurality of parsing editors” and “binding different actions to the same activemark set”. Applicant is advised against the addition of new matter.

Regarding dependent claims 31 and 34-35, the added claim limitation “wherein said mark control module comprises a module capable of setting said marks in association with any of a plurality of parsing editors and any of a plurality of markup languages”, is not disclosed in the specification. Applicant’s cited pages mentions “using an HTML editor for HTML files” and “one or more live parsers”, however, does not mention a “mark control module”, a plurality of parsing editors and any plurality of markup languages. Therefore, Applicant is advised against the addition of new matter.

Regarding dependent claim 32, the added claim limitation “wherein said marks are defined dynamically by the parsing editor during parsing of the document”, is not disclosed in the specification. Applicant’s cited pages mentions creating activemarks automatically when the

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user opens a document, however, does not mention marks are defined dynamically by a “parsing editor”. Therefore, Applicant is advised against the addition of new matter.

Regarding dependent claim 33, the added claim limitation “wherein said marks are other than static and hard coded in said document” is not disclosed in the specification.

Applicant’s cited pages mentions the marks are static and comprises tags which are hard coded, however, does not mention that the marks themselves are hard coded. Therefore, Applicant is advised against the addition of new matter.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 1-7 and 25-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding independent claim 1, the claimed language “programmable text processing module”, “mark control module”, “graphical user interface module”, and “an edit control module” refers to a software per se and are not tangibly embodied on a computer readable medium or hardware.

Dependent claims 2-7 and 25-35 are rejected for fully incorporating the deficiencies of their base claim.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-16 and 21-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over “LPEX User’s Guide and Reference”, 03/1996, IBM, Second Edition, pages 1-37 (herein after “LPEX”) in view of “Incrementally Imbedded Messages in an Edit View”, 11/1995, IBM Technical Disclosure Bulletin, Volume 38, Issue 11, printed pages 1-5 (herein after “IBM”).

Regarding independent claims 1, 8, and 13 (and dependent claims 21-25, 27-28 and 32),
discloses:

A processing system for processing a document, said processing system comprising:

a programmable text processing module having means for loading the document and a parsing editor for initially parsing the document (LPEX on page 10 and pages 17-18 teaches LPEX is a Live Parsing Editor that acts interactively on a loaded document; when opening a file, the editor automatically runs a load macro that invokes a parser);

a mark control module having means for setting a plurality of marks in the document, means for modifying said marks, and means for clearing said marks, and each of said marks comprising selected information in the document and said means for setting being responsive to the operation of said parsing editor without user intervention (LPEX on page 15 teaches setting marks on page 13 teaches the user can know how to highlight or mark a block of text and pages 17-18 teaches the parser uses colors to highlight (mark) different items in a programming language document, in other words, LPEX (parsing editor) has the capability of highlighting

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(marking) within a loaded document without the user intervention; wherein the user can later modify the marks or unmarking the block of text);

a graphical user interface module means for displaying the document and means for controlling the display of the document (LPEX on page 10 teaches starting a parser to display the structure of a document); and

an edit control module having means for controlling said text processing module, means for controlling said mark control module, and means for controlling said graphical user interface module (LPEX on pages 17-18 teaches LPEX parser is an editor command that interactively works on the document).

However, LPEX does not explicitly disclose “incrementally parsing changes committed in said document” and “linking said selected information with a command”.

IBM “Incrementally Imbedded Messages in a Edit View” on pages 1 and 4 teaches an incremental parser and pages 1 and 2 teaches a message is inserted into the edit view which refers to the text immediately above; the parser highlights the text in error and provides a message that describes the error; once the error is corrected, the parser re-parses and removes all messages, in other words, the messages can be commands or suggestions for correcting an error from the edit window.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified IBM into LPEX to provide a way to incrementally parse a document and provide a message with each highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to help users write programs in a Live Parsing Editing environment.

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Regarding dependent claims 2 and 14-15, IBM discloses:

linking commands internal and external to said processing system to one or more selected marks (IBM “Incrementally Imbedded Messages in a Edit View” on pages 1 and 2 messages can be linked to each highlighted block of text).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified IBM into LPEX to provide a message with each highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to help users write programs in a Live Parsing Editing environment.

Regarding dependent claims 3 and 6, IBM discloses:

wherein said linking means includes means, responsive to inputs entered by a user through said graphical user interface module, for activating a command linked with said selected information (IBM on page 2 the user can navigate and manipulate messages within an edit window).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified IBM into LPEX to provide a message with each highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to help users write programs in a Live Parsing Editing environment.

Regarding dependent claims 4, 9, and 16, IBM discloses:

wherein said mark control module includes means for changing the appearance of said mark in said document in response to activation of said mark (IBM on page 2 teaches the parser highlights the text in error and the message line is colored differently; wherein the severity of message is also reflected in its color).

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified IBM into LPEX to provide a message with each highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to help users write programs in a Live Parsing Editing environment.

Regarding dependent claim 5, IBM discloses:

wherein said edit control module maintains the selected mark synchronized with text being edited in the document (IBM on page 2 teaches the text can be highlighted in error to be edited by the user).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified IBM into LPEX to provide a message with each highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to help users write programs in a Live Parsing Editing environment.

Regarding dependent claim 7, LPEX discloses:

wherein said linking means selectively links any piece of text in the document with any of an editor command and macro, wherein such linking is unspecified in the document loaded in the parsing editor, and wherein said mark is set to a piece of text by at least one of said parsing editor and an external command running in the edit system (LPEX on page 17 teaches editor command and macros to be invoked by the parser; wherein the editor runs the commands to invoke the appropriate parser for the document; also see page 20).

Regarding dependent claims 10-11, IBM discloses:

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wherein the activemark mechanism allows a selected activemark to be exclusively displayed in the edit view according to conceptual relatedness (IBM on page 2 teaches displaying highlighted text in error in an edit window).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified IBM into LPEX to provide a message with each highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to help users write programs in a Live Parsing Editing environment.

Regarding dependent claim 12, IBM discloses:

wherein said activemark is set to a piece of text by at least one of said parsing editor and an external command running in the edit system (IBM on page 2 teaches messages are set to each highlighted block of text by the parsing editor).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified IBM into LPEX to provide a message with each highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to help users write programs in a Live Parsing Editing environment.

Regarding dependent claims 29-31, LPEX discloses:

plurality of parsing editors (LPEX on page 17 teaches LPEX comes with parsers for C, C++, COBOL, and Fortran).

Regarding dependent claims 33, LPEX discloses:

marks are static and hard coded in said document (LPEX on page 13 teaches the user can know how to highlight or mark a block of text into a document (hard coded)).

Regarding dependent claim 35, LPEX discloses:

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plurality of markup languages (LPEX on page 12 and page 17 teaches the LPEX has the capability in acting interactively on programming language document).

Response to Arguments

14. Applicant's arguments with respect to claims 1-16 and 21-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Yuan whose telephone number is 703-305-5945. The examiner can normally be reached on Mondays - Fridays (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on 703-305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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AY
August 4, 2004



JOSEPH H. FEILD
PRIMARY EXAMINER